REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-3, 5-7 and 9-19 are pending and stand rejected.

Claims 16 and 17 have been amended.

Claims 1,-3, 5-7 and 9-19 stand rejected under 35 USC 103(a) as being unpatentable over Okada (USP no. 5,809454) in view of Itakura (USP no. 5,901,149) and further in view of Yuang (IEEE 1996, Intelligent Video Smoother for Multimedia Communications (GLOBECOM, IEEE, pp 502-507)).

The instant Office Action states that Okada teaches an arrangement station for reproducing a multimedia signal but does not explicitly teach the packet delay switched network but discuses delay between audio and video packets from an MPEG stream. However, Itakura teaches monitoring the delay functions in network and adjusting the MPEG data packets for such delays. The combination of Okada and Itakura does not explicitly teach adapting the reference values dependent upon the variations of the difference value. However, Yuang teaches changing window size/threshold based upon the differences found in the VOD and MPT. Therefore, it would have been obvious to modify the combination of Okada in view of Itakura with adaptable reference values based on fluctuations of the difference values (Yuang).

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims.

The Okada and Itakura references were cited in the prior Office Action in rejecting claim 1-3, 5-7 and 9-19, and, hence, applicant's remarks regarding these references and the arguments made in applicant's Appeal Brief and in prior responses to the rejection of the claims are applicable to the rejection of the claims in the instant Office Action and are reasserted, as if in full, herein. As previously argued, Okada and Itakura each discloses a system that provides for a constant output rate independent of the input reception rate.

Yuang discloses a system for providing intra-media synchronization for video data to prevent playout discontinuity resulting from network delay variation while achieving satisfactory playout throughput. Yuang discloses a window determinator that determines

a corresponding optimal window by means of an off-line-trained BPNN in an attempt to achieve a maximum of the playout Quality (Q) value defined as a ratio of a function of mean playout throughput to a function of playout discontinuity. The window based playout smoothing algorithm then dynamically adopts various playout rates according to the window and the number of packets in the buffer. (see page 502, 2nd col., 2nd full paragraph). Yuang further discloses on page 505, 2nd col., 2nd-4th paragraphs, which is referred to in the instant Office Action, the "IVS dynamically adopts various playout rates according to the window (W) and the current number of packets in the playout buffer. For example, given a window size of 18 slots long, a maximum playout rate ... is applied if the number of packets in the playout buffer equals or exceeds 18 (slot time) divided 3 (slot time/packet time) = 6 packets. Otherwise, if the number of packets is less than 6, a reduced playout rate is applied for the playout of the next packet in the buffer. In this example, if there are 5 packets in the buffer, these 5 packets (15 slots of playout time) are to be evenly playouted with 18 slots. That is, the remaining 3 slots should be evenly spread in 6 gaps among packets with the window. "

Yaung further discloses, in Figures 6 and 7, the affect of window size on VOD and MPT and discloses the window determinator determining a window size for different values of Q and achieving an optimal window for achieving a maximum Q value.

Accordingly, Yaung teaches determining a window size to smooth the playout of the received data. But contrary to the statements made in the Office Action, Yaung fails to teach or suggest adapting the reference value in dependence upon the variation of a difference value, as is recited in the claims. Even if it could be found that Yaung changes the window size, this size changes with regard to the amount of data in the buffer and not the variation in the difference between the input and output, as is recited in the claims.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

In this case, combination of Okada and Itakura is deficient in reciting a material element of the invention recited in claim 1, for example, and, contrary to the statements made in the Office Action, Yuang provides no teaching or suggestion to correct the deficiency noted in the combination of Okada and Itakura. Hence, even if there were some motivation to combine the teachings of the cited reference, which applicant believes does not exist and need not discuss herein, the combined device of Okada, Itakura and Yuang fails to teach all the features recited in independent claim 1.

Accordingly, the invention recited in claim 1 is not rendered obvious by the teachings of the cited reference, as the combined device fails to recite all the elements claimed in independent claim 1.

With regard to independent claims 9 and 18, these claims recite subject matter similar to that recited in claim 1 and have been rejected citing the same references used in rejecting claim 1. Accordingly, applicant's remarks made in response to the rejection of claim 1 are also applicable in response to the rejection of claims 9 and 18. Thus, in view of the remarks made with regard to the rejection of claim 1, which are reasserted, as if in full, in response to the rejection of claims 9 and 18, applicant submits that the reason for the rejection of these claims has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard to the remaining claims, these claims ultimately depend from independent claims 1, 9 and 18, respectively, which have been shown not to be rendered obvious, and allowable, in view of the cited references. Accordingly, the aforementioned claims are also allowable by virtue of their dependence from an allowable base claim.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

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